

**PALM BEACH COUNTY
ADMINISTRATIVE VARIANCE MEETING
THURSDAY, April 15, 2010 at 9:00 a.m.**

MINUTES OF THE MEETING

The Staff Public Meeting held on the 1st Floor of Vista Center, 2300 N. Jog Road, West Palm Beach, FL 33411.

ATTENDEES

County Staff Present:

Alan Seaman, Principal Site Planner

Lauren Benjamin, Site Planner I

Aaron Taylor, Site Planner I

Joanne Koerner, Engineering Planner

Juanita James, Zoning Technician/Secretary

Proof of Publication Alan Seaman asked if there was confirmation of the 300 ft notices. Juanita stated that there was not a need to mail notices this month since one application was postponed, and one was withdrawn.

Changes to Agenda: Alan Seaman inquired if there were any changes to the agenda, and Lauren Benjamin proceeded to state that AVB-2009-2426 would be moved to the regular agenda after consent items were heard.

Disclosures

The Palm Beach County Administrative Variance Type 1-B Staff Public Meeting began at 9:00 am. Alan Seaman opened the meeting by giving a brief summary and introduction of the Type 1-B variances under the Administrative Variance Staff Public Meetings.

Mr. Seaman explained the following: "For those of you that are not familiar with how staff conducts our business, the Agenda is divided in three parts, Postponement/Withdrawals, Consent and Regular Agenda. Items on the Consent Agenda are items that have been approved by staff, the applicant agrees with the conditions and there is no opposition from the public. If there is opposition from the public, or the applicant does not agree with the conditions, an item can be re-ordered to the Regular Agenda. If an item is on the Consent Agenda and remains on the Consent Agenda, the variance is

approved and the applicant is free to leave. The next part of the Agenda is the Regular Agenda, that consists of items that have been removed from Consent, or items that have opposition from the public, or the applicant does not agree with the conditions imposed by Staff. We begin with Staff's presentation, Findings of Fact, and recommendation, followed by the owner's presentation. We will then open the public portion of the meeting and hear from the public.

Alan Seaman stated, "If any information or documents is presented to staff at the meeting from the public or the applicant provides additional information that may affect staff's decision, a thirty day (30) postponement may be requested to allow staff the time to review the new information".

WITHDRAWN ITEMS:

AVB 2010-00543

Legal Ad: Brent Willis, agent, Joyce Willis, owner to allow an existing fence to exceed the allowable height in the front yard. LOC: 4595 Coconut Lane, approx. ¼ mile E of Oak Harbour Drive on Coconut Lane in the AR zoning district. (Pet. 1978-129).

Staff: Lauren Benjamin read the Legal Ad and stated that staff determined that the 6 ft fence will be utilized in accordance with the ROW buffer standards in Article 7. Staff was able to resolve the issue; therefore, no variance was needed.

CONSENT ITEM(S):

AVB 2010-262

Legal Ad: Kevin McGinley, agent for City Place Investors LLC., owner, to allow a single family residence on both lots 2 and 3 (of a recently subdivided lot identified as 501) to encroach into the front and side-interior setbacks on LOC: Lot 2, 14070 Paradise Point Road (Lot 3 address not available at this time) Approximately 1/10th North of Donald Ross Road, within the Paradise Point Estates subdivision, in the RT Zoning District (Petition: 00-067).

Staff: Alan Seaman read the Legal Ad and Aaron Taylor proceeded with the property history. "According to resolution R-2000-1942, the subject property was a single lot that was rezoned from Single-family Residential (RS) to Residential Transitional (RTS). Palm Beach County Property Appraiser's records indicate the current owners purchased the property in August of the 2004. On September 19, 2006 the subject lot was granted a "Waiver of Plat", and the subject lot was subdivided into Lot: 2 and Lot: 3 (see ORB: 20909; PG: 188).

Aaron Taylor continued with the Findings of Fact for the front setback reduction for Lot: 2. He stated, "Lot 2 extends to the middle of Paradise Point Road and is encumbered by a 15' "Seacoast Easement" along the front property-line, and the "Westerly Right of Way Easement Line" toward the rear of the property. Both easements restrict the owner's

ability to relocate the proposed single-family dwelling in a manner that would feasibly accommodate the residence and access from Paradise Point Road.

Aaron Taylor continued with the Finding or Fact for the side-interior setback reductions. He proceeded with, "The subject lots are vacant irregular shaped lots that are encumbered by a "Seacoast Easement" along the front property-line, the 25' required front setback requirement, the "Westerly Right of Way Easement Line", and the inter-coastal waterway toward the rear of the property; causing 70% of either lot to be unbuildable. There are currently other lots along Paradise Point Road that are utilizing the 7.5' side-interior setback provision. Thus, that owner's variance request is consistent with the character of the surrounding neighborhood. Granting the owner's variance request to allow Lot: 2 to encroach 7.5' into the north and south side-interior setbacks, and to allow Lot: 3 to encroach into the north side-interior setback is a reasonable use of the parcel of land.

The agent, Kevin McGinley, was present and was asked if he understood and agreed with the Development Order and one (1) Condition(s) of approval, which he replied that he did. Aaron Taylor then reiterated the approval of this project and stated that the agent could pick up his result letter after the meeting.

Public Correspondence: There were no letters of opposition received.

Public: Richard Smitz, owner of lot immediately north of Lot 2 of variance requests, had opposition to the variance requests. He stated concerns about the houses along Paradise Point Road being constructed too close to one another. He also expressed his belief that it would be detrimental to start building houses stacked on top of one another. Mr. Smitz emphasized that he preferred for the existing setbacks to remain.

Don Smith, legal representative for Mr. Parti, stated that he lives at 14140 Paradise Point Road and expressed support of the variance requests. Mr. Parti expressed that the variance requests would have no adverse impacts to the surrounding area, but would enhance and upgrade the neighborhood.

Aaron Taylor stated that many of the lots along Paradise Point Road were originally subdivided and permitted to utilize Residential Single-Family (RS) setback provisions, which allowed the minimum side-interior setback to be 7.5'. Additionally, he explained that the underlined Future Land Use (FLU) was inconsistent with the Zoning District at the time the subject lots were being subdivided. In order to subdivide the subject lots, the owner's at the time, had to rezone the property from RS to Residential Transitional (RTS); therefore, causing the minimum side-interior setback requirement to increase from 7.5' to 15'. Mr. Taylor re-iterated that the variance request will not cause the proposed structures to be constructed any closer to the side-interior property lines than was previously allowed, and currently utilized by others in the same neighborhood. Kevin reiterated the justification that Aaron gave for the variance.

POSTPONED ITEM(S):

AVB 2009-2426

LEGAL AD: Rose Kenney, agent, for Michael and Michelle Cronin, owners, to allow a chain link fence, columns with lights and without lights to exceed the height limit. LOC: 5745 Pennock Point Road on the corner of Loxahatchee River Road and Pennock Point Road in the RS zoning district. (Control 2009-427)

STAFF: Lauren Benjamin read the Legal Ad and proceeded to state the reason for the postponement. She stated, within 45 days of Thursdays meeting (June 4, 2010), Mr. Cronin shall provide a drainage study signed and sealed by a Professional Engineer for the site and adjacent areas that addresses the historic drainage issues and includes a proposed solution to the issues. This study is to be provided to the Land Development Division for review. Mr. Seaman stated that the variance will be postponed for 60 days until June 17, 2010 Variance Public Meeting.

Public Correspondence: None

Public: No one from the public appeared.